

1-1 By: Ellis S.B. No. 993  
1-2 (In the Senate - Filed March 4, 2005; March 14, 2005, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 4, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;  
1-6 April 4, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 993 By: Gallegos

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation of the Harris County Improvement District  
1-11 No. 5; providing authority to impose a tax and issue a bond or  
1-12 similar obligation.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle C, Title 4, Special District Local Laws  
1-15 Code, is amended by adding Chapter 3834 to read as follows:

1-16 CHAPTER 3834. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 5

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 3834.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the board of directors of the  
1-20 district.

1-21 (2) "District" means the Harris County Improvement  
1-22 District No. 5.

1-23 Sec. 3834.002. HARRIS COUNTY IMPROVEMENT DISTRICT NO. 5.  
1-24 The Harris County Improvement District No. 5 is a special district  
1-25 created under Section 59, Article XVI, Texas Constitution.

1-26 Sec. 3834.003. PURPOSE; DECLARATION OF INTENT. (a) The  
1-27 creation of the district is essential to accomplish the purposes of  
1-28 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
1-29 Texas Constitution, and other public purposes stated in this  
1-30 chapter. By creating the district and in authorizing the City of  
1-31 Houston, Harris County, and other political subdivisions to  
1-32 contract with the district, the legislature has established a  
1-33 program to accomplish the public purposes set out in Section 52-a,  
1-34 Article III, Texas Constitution.

1-35 (b) The creation of the district is necessary to promote,  
1-36 develop, encourage, and maintain employment, commerce,  
1-37 transportation, housing, tourism, recreation, the arts,  
1-38 entertainment, economic development, safety, and the public  
1-39 welfare in the district and adjacent areas.

1-40 (c) This chapter and the creation of the district may not be  
1-41 interpreted to relieve Harris County or the City of Houston from  
1-42 providing the level of services provided as of the effective date of  
1-43 this Act, to the area in the district. The district is created to  
1-44 supplement and not to supplant the county services provided in the  
1-45 area in the district.

1-46 Sec. 3834.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-47 (a) The district is created to serve a public use and benefit.

1-48 (b) All land and other property included in the district  
1-49 will benefit from the improvements and services to be provided by  
1-50 the district under powers conferred by Sections 52 and 52-a,  
1-51 Article III, and Section 59, Article XVI, Texas Constitution, and  
1-52 other powers granted under this chapter.

1-53 (c) The creation of the district is in the public interest  
1-54 and is essential to:

1-55 (1) further the public purposes of developing and  
1-56 diversifying the economy of the state;

1-57 (2) eliminate unemployment and underemployment; and

1-58 (3) develop or expand transportation and commerce.

1-59 (d) The district will:

1-60 (1) promote the health, safety, and general welfare of  
1-61 residents, employers, potential employees, employees, visitors,  
1-62 and consumers in the district, and of the public;

1-63 (2) provide needed funding for the district to

2-1 preserve, maintain, and enhance the economic health and vitality of  
2-2 the district territory as a residential neighborhood and a  
2-3 commercially viable area; and

2-4 (3) promote the health, safety, welfare, and enjoyment  
2-5 of the public by providing pedestrian ways and by landscaping and  
2-6 developing certain areas in the district, which are necessary for  
2-7 the restoration, preservation, and enhancement of scenic beauty.

2-8 (e) Pedestrian ways along or across a street, whether at  
2-9 grade or above or below the surface, and street lighting, street  
2-10 landscaping, and street art objects are parts of and necessary  
2-11 components of a street and are considered to be a street or road  
2-12 improvement.

2-13 (f) The district will not act as the agent or  
2-14 instrumentality of any private interest even though the district  
2-15 will benefit many private interests as well as the public.

2-16 Sec. 3834.005. DISTRICT TERRITORY. The district is  
2-17 composed of the territory described by Section 2 of the Act enacting  
2-18 this chapter, as that territory may have been modified under:

2-19 (1) Subchapter J, Chapter 49, Water Code; or

2-20 (2) other law.

2-21 Sec. 3834.006. APPLICABILITY OF MUNICIPAL MANAGEMENT  
2-22 DISTRICTS LAW. Except as otherwise provided by this chapter,  
2-23 Chapter 375, Local Government Code, applies to the district.

2-24 Sec. 3834.007. LIBERAL CONSTRUCTION OF CHAPTER. This  
2-25 chapter shall be liberally construed in conformity with the  
2-26 findings and purposes stated in this chapter.

2-27 [Sections 3834.008-3834.050 reserved for expansion]

2-28 SUBCHAPTER B. BOARD OF DIRECTORS

2-29 Sec. 3834.051. BOARD OF DIRECTORS; TERMS. (a) The  
2-30 district is governed by a board of 11 voting directors who serve  
2-31 staggered terms of four years, with five or six directors' terms  
2-32 expiring June 1 of each odd-numbered year.

2-33 (b) The board by resolution may change the number of voting  
2-34 directors on the board, but only if the board determines that the  
2-35 change is in the best interest of the district. The board may not  
2-36 consist of fewer than 5 or more than 15 directors.

2-37 Sec. 3834.052. QUALIFICATIONS. (a) Three voting  
2-38 directors on the board must reside in a residential area adjacent to  
2-39 the district and eight voting directors must represent commercial  
2-40 property owners or tenants in the district.

2-41 (b) If the total number of voting directors of the board is  
2-42 increased or reduced, the board must maintain the same percentage  
2-43 of representation of residential and commercial areas on the board.

2-44 Sec. 3834.053. APPOINTMENT OF DIRECTORS. The mayor and  
2-45 members of the governing body of the City of Houston shall appoint  
2-46 directors from persons recommended by the board. A person is  
2-47 appointed if a majority of the members of the governing body,  
2-48 including the mayor, vote to appoint that person.

2-49 Sec. 3834.054. NONVOTING DIRECTORS. (a) The following  
2-50 persons serve as nonvoting directors:

2-51 (1) the directors of the following departments of the  
2-52 City of Houston or a person designated by that director:

2-53 (A) parks and recreation;

2-54 (B) planning and development; and

2-55 (C) public works; and

2-56 (2) the City of Houston's chief of police.

2-57 (b) If a department described by Subsection (a) is  
2-58 consolidated, renamed, or changed, the board may appoint a director  
2-59 of the consolidated, renamed, or changed department as a nonvoting  
2-60 director. If a department described by Subsection (a) is  
2-61 abolished, the board may appoint a representative of another  
2-62 department that performs duties comparable to those performed by  
2-63 the abolished department.

2-64 Sec. 3834.055. QUORUM. (a) Section 375.071, Local  
2-65 Government Code, does not apply to the district.

2-66 (b) A majority of the board is a quorum.

2-67 (c) Nonvoting directors and vacant director positions are  
2-68 not counted for the purposes of establishing a board quorum.

2-69 Sec. 3834.056. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.

3-1 (a) Except as provided by this section:  
 3-2 (1) a director may participate in all board votes and  
 3-3 decisions; and

3-4 (2) Chapter 171, Local Government Code, governs  
 3-5 conflicts of interest for directors.

3-6 (b) Section 171.004, Local Government Code, does not apply  
 3-7 to the district. A director who has a substantial interest in a  
 3-8 business or charitable entity that will receive a pecuniary benefit  
 3-9 from a board action shall file a one-time affidavit declaring the  
 3-10 interest. An additional affidavit is not required if the  
 3-11 director's interest changes. After the affidavit is filed with the  
 3-12 board secretary, the director may participate in a discussion or  
 3-13 vote on that action if:

3-14 (1) a majority of the directors have a similar  
 3-15 interest in the same entity; or

3-16 (2) all other similar business or charitable entities  
 3-17 in the district will receive a similar pecuniary benefit.

3-18 (c) A director who is also an officer or employee of a public  
 3-19 entity may not participate in the discussion of or vote on a matter  
 3-20 regarding a contract with that public entity.

3-21 (d) For purposes of this section, a director has a  
 3-22 substantial interest in a charitable entity in the same manner that  
 3-23 a person would have a substantial interest in a business entity  
 3-24 under Section 171.002, Local Government Code.

3-25 Sec. 3834.057. INITIAL VOTING DIRECTORS. (a) The initial  
 3-26 board consists of the following voting directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Laura Jaramillo</u>
<u>2</u>	<u>Sylvia Nguyen</u>
<u>3</u>	<u>C. Fred Meyer</u>
<u>4</u>	<u>Frank Rollow</u>
<u>5</u>	<u>Charles T. Spears</u>
<u>6</u>	<u>Etan Mirwis</u>
<u>7</u>	<u>Allen Goodlow</u>
<u>8</u>	<u>Elaine Gascamp</u>
<u>9</u>	<u>Kevin Robbins</u>
<u>10</u>	<u>David Minberg</u>
<u>11</u>	

3-39 (b) Of the initial voting directors, the terms of directors  
 3-40 appointed for positions 1 through 6 expire June 1, 2009, and the  
 3-41 terms of directors appointed for positions 7 through 11 expire June  
 3-42 1, 2007.

3-43 (c) Section 3834.053 does not apply to this section.

3-44 (d) This section expires September 1, 2009.

3-45 [Sections 3834.058-3834.100 reserved for expansion]

3-46 SUBCHAPTER C. POWERS AND DUTIES

3-47 Sec. 3834.101. ADDITIONAL POWERS OF DISTRICT. The district  
 3-48 may exercise the powers given to:

3-49 (1) a corporation under Section 4B, Development  
 3-50 Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil  
 3-51 Statutes); and

3-52 (2) a housing finance corporation under Chapter 394,  
 3-53 Local Government Code, to provide housing or residential  
 3-54 development projects in the district.

3-55 Sec. 3834.102. NONPROFIT CORPORATION. (a) The board by  
 3-56 resolution may authorize the creation of a nonprofit corporation to  
 3-57 assist and act for the district in implementing a project or  
 3-58 providing a service authorized by this chapter.

3-59 (b) The nonprofit corporation:

3-60 (1) has each power of and is considered for purposes of  
 3-61 this chapter to be a local government corporation created under  
 3-62 Chapter 431, Transportation Code; and

3-63 (2) may implement any project and provide any service  
 3-64 authorized by this chapter.

3-65 (c) The board shall appoint the board of directors of the  
 3-66 nonprofit corporation. The board of directors of the nonprofit  
 3-67 corporation shall serve in the same manner as, for the same term as,  
 3-68 and on the same conditions as the board of directors of a local  
 3-69 government corporation created under Chapter 431, Transportation

4-1 Code.

4-2 Sec. 3834.103. AGREEMENTS; GRANTS. (a) The district may  
4-3 make an agreement with or accept a gift, grant, or loan from any  
4-4 person.

4-5 (b) The implementation of a project is a governmental  
4-6 function or service for the purposes of Chapter 791, Government  
4-7 Code.

4-8 Sec. 3834.104. AUTHORITY TO CONTRACT FOR LAW  
4-9 ENFORCEMENT. To protect the public interest, the district may  
4-10 contract with Harris County or the City of Houston for the county or  
4-11 the city to provide law enforcement services in the district for a  
4-12 fee.

4-13 Sec. 3834.105. APPROVAL BY CITY OF HOUSTON. (a) Except as  
4-14 provided by Subsection (b), the district must obtain the approval  
4-15 of the City of Houston's governing body for:

4-16 (1) the issuance of a bond for each improvement  
4-17 project;

4-18 (2) the plans and specifications of the improvement  
4-19 project financed by the bond; and

4-20 (3) the plans and specifications of any district  
4-21 improvement project related to the use of land owned by the City of  
4-22 Houston, an easement granted by the City of Houston, or a  
4-23 right-of-way of a street, road, or highway.

4-24 (b) If the district obtains the approval of the City of  
4-25 Houston's governing body of a capital improvements budget for a  
4-26 period not to exceed five years, the district may finance the  
4-27 capital improvements and issue bonds specified in the budget  
4-28 without further approval from the City of Houston.

4-29 Sec. 3834.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The  
4-30 district may join and pay dues to an organization that:

4-31 (1) enjoys tax-exempt status under Section 501(c)(3),  
4-32 (4), or (6), Internal Revenue Code of 1986; and

4-33 (2) performs a service or provides an activity  
4-34 consistent with the furtherance of a district purpose.

4-35 Sec. 3834.107. REMOVAL OF DANGEROUS BUILDINGS. (a) The  
4-36 district may cooperate with the City of Houston to have the City of  
4-37 Houston demolish and remove dangerous buildings in or outside the  
4-38 district as provided by this section.

4-39 (b) The district may cooperate with the City of Houston to  
4-40 demolish and remove dangerous buildings outside the district if:

4-41 (1) the district makes a determination that demolition  
4-42 and removal would benefit the district; and

4-43 (2) the City of Houston agrees.

4-44 (c) The district may borrow money to finance the demolition  
4-45 and removal of dangerous buildings under this section without  
4-46 complying with Section 3834.152.

4-47 (d) The City of Houston may reimburse the district for all  
4-48 costs financed by the district from:

4-49 (1) the proceeds of foreclosure on any demolition lien  
4-50 on the property; or

4-51 (2) any other money the city collects or appropriates  
4-52 for the costs.

4-53 Sec. 3834.108. NOTICE. Notice required by Chapter 375,  
4-54 Local Government Code, may be sent by first class U.S. Mail rather  
4-55 than certified mail, return receipt requested, if the board of  
4-56 directors determines that first class mail is preferable and  
4-57 provides adequate notice. If the board determines that first class  
4-58 mail is preferable, the board must publish notice in a newspaper of  
4-59 general circulation in the district at least 20 days before the  
4-60 event of which the district is giving notice.

4-61 Sec. 3834.109. NO EMINENT DOMAIN. The district may not  
4-62 exercise the power of eminent domain.

4-63 [Sections 3834.110-3834.150 reserved for expansion]

4-64 SUBCHAPTER D. FINANCIAL PROVISIONS

4-65 Sec. 3834.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
4-66 board by resolution shall establish the number of directors'  
4-67 signatures and the procedure required for a disbursement or  
4-68 transfer of the district's money.

4-69 Sec. 3834.152. PETITION REQUIRED FOR FINANCING SERVICES AND

5-1 IMPROVEMENTS. (a) The board may not finance a service or  
 5-2 improvement project with assessments under this chapter unless a  
 5-3 written petition requesting that service or improvement has been  
 5-4 filed with the board.

5-5 (b) A petition requesting a project financed by assessment  
 5-6 must be signed by:

5-7 (1) the owners of a majority of the assessed value of  
 5-8 real property in the district subject to assessment according to  
 5-9 the most recent certified tax appraisal roll for Harris County; or

5-10 (2) at least 50 owners of real property in the district  
 5-11 that will be subject to the assessment, if more than 50 persons own  
 5-12 real property subject to the assessment in the district according  
 5-13 to the most recent certified tax appraisal roll for Harris County.

5-14 Sec. 3834.153. MAINTENANCE TAX. (a) If authorized at an  
 5-15 election held in accordance with Section 3834.157, the district may  
 5-16 impose an annual ad valorem tax on taxable property in the district  
 5-17 to:

- 5-18 (1) administer the district;
- 5-19 (2) maintain and operate the district;
- 5-20 (3) construct or acquire improvements; or
- 5-21 (4) provide a service.

5-22 (b) The board shall determine the tax rate.

5-23 Sec. 3834.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
 5-24 The board by resolution may impose and collect an assessment for any  
 5-25 purpose authorized by this chapter.

5-26 (b) An assessment, a reassessment, or an assessment  
 5-27 resulting from an addition to or correction of the assessment roll  
 5-28 by the district, penalties and interest on an assessment or  
 5-29 reassessment, an expense of collection, and reasonable attorney's  
 5-30 fees incurred by the district:

5-31 (1) are a first and prior lien against the property  
 5-32 assessed;

5-33 (2) are superior to any other lien or claim other than  
 5-34 a lien or claim for county, school district, or municipal ad valorem  
 5-35 taxes; and

5-36 (3) are the personal liability of and a charge against  
 5-37 the owners of the property even if the owners are not named in the  
 5-38 assessment proceedings.

5-39 (c) The lien is effective from the date of the board's  
 5-40 resolution imposing the assessment until the date the assessment is  
 5-41 paid. The board may enforce the lien in the same manner that the  
 5-42 board may enforce an ad valorem tax lien against real property.

5-43 (d) The board may make a correction to or deletion from the  
 5-44 assessment roll that does not increase the amount of assessment of  
 5-45 any parcel of land without providing notice and holding a hearing in  
 5-46 the manner required for additional assessments.

5-47 Sec. 3834.155. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
 5-48 ASSESSMENTS. The district may not impose an impact fee or  
 5-49 assessment on the property, including the equipment,  
 5-50 rights-of-way, facilities, or improvements, of:

5-51 (1) an electric utility or a power generation company  
 5-52 as defined by Section 31.002, Utilities Code;

5-53 (2) a gas utility as defined by Section 101.003 or  
 5-54 121.001, Utilities Code;

5-55 (3) a telecommunications provider as defined by  
 5-56 Section 51.002, Utilities Code; or

5-57 (4) a person who provides to the public cable  
 5-58 television or advanced telecommunications services.

5-59 Sec. 3834.156. BONDS AND OTHER OBLIGATIONS. (a) The  
 5-60 district may issue bonds or other obligations payable wholly or  
 5-61 partly from assessments, impact fees, revenue, grants, or other  
 5-62 money of the district, or any combination of those sources of money,  
 5-63 to pay for any authorized purpose of the district.

5-64 (b) In exercising the district's power to borrow, the  
 5-65 district may issue a bond or other obligation in the form of a bond,  
 5-66 note, certificate of participation or other instrument evidencing a  
 5-67 proportionate interest in payments to be made by the district, or  
 5-68 other type of obligation.

5-69 Sec. 3834.157. TAX AND BOND ELECTIONS. (a) The district

6-1 shall hold an election in the manner provided by Subchapter L,  
6-2 Chapter 375, Local Government Code, to obtain voter approval before  
6-3 the district imposes a maintenance tax or issues bonds payable from  
6-4 ad valorem taxes.

6-5 (b) The board may not include more than one purpose in a  
6-6 single proposition at an election.

6-7 (c) Section 375.243, Local Government Code, does not apply  
6-8 to the district.

6-9 Sec. 3834.158. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT  
6-10 OBLIGATIONS. Except as provided by Section 375.263, Local  
6-11 Government Code, a municipality is not required to pay a bond, note,  
6-12 or other obligation of the district.

6-13 Sec. 3834.159. COMPETITIVE BIDDING. Section 375.221, Local  
6-14 Government Code, applies to the district only for a contract that  
6-15 has a value greater than \$25,000.

6-16 [Sections 3834.160-3834.200 reserved for expansion]

6-17 SUBCHAPTER E. DISSOLUTION

6-18 Sec. 3834.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
6-19 DEBT. (a) The board may dissolve the district regardless of  
6-20 whether the district has debt. Section 375.264, Local Government  
6-21 Code, does not apply to the district.

6-22 (b) If the district has debt when it is dissolved, the  
6-23 district shall remain in existence solely for the purpose of  
6-24 discharging its debts. The dissolution is effective when all debts  
6-25 have been discharged.

6-26 SECTION 2. As of the effective date of this Act, the Harris  
6-27 County Improvement District No. 5 includes all territory contained  
6-28 in the following described area:

6-29 Beginning at point approximately 600 feet from the  
6-30 intersection of the south right-of-way line of Murphy Road and the  
6-31 south right-of-way line of Highway 59;

6-32 Thence in a northeasterly direction along the southeast  
6-33 right-of-way line of Highway 59 approximately 10,900 feet to the  
6-34 south right-of-way line of Bissonnet Street;

6-35 Thence in an easterly direction along the south right-of-way  
6-36 line of Bissonnet Street a distance of approximately 3,500 feet to  
6-37 the east right-of-way line of South Gessner Boulevard;

6-38 Thence in a southerly direction along the east right-of-way  
6-39 line of South Gessner Boulevard a distance of approximately 1,100  
6-40 feet to the north right-of-way line of Braeswood Bayou;

6-41 Thence in an easterly direction along the north right-of-way  
6-42 line of Braeswood Bayou a distance of approximately 9,500 feet to  
6-43 the east right-of-way line of Hillcroft Avenue;

6-44 Thence in a southerly direction along the east right-of-way  
6-45 line of Hillcroft Avenue a distance of approximately 3,800 feet to  
6-46 the south right-of-way line of Willowbend Drive;

6-47 Thence in a westerly direction along the south right-of-way  
6-48 line of Willowbend Drive a distance of approximately 1,500 feet to  
6-49 east line of Harris County Flood Control Ditch D-139-03;

6-50 Thence in a southerly direction along the east line of Harris  
6-51 County Flood Control Ditch 139-03 continuing south along the east  
6-52 line of Harris County Flood Control Ditch 140-05-02 continuing  
6-53 further south along the east line of Harris County Flood Control  
6-54 Ditch 140-05-01 a total distance of approximately 9,500 feet to the  
6-55 north right-of-way line of Highway 90A;

6-56 Thence in an easterly direction along the north right-of-way  
6-57 line of Highway 90A a distance of approximately 4,600 feet to the  
6-58 east line of Harris County Flood Control Ditch C-156;

6-59 Thence crossing Highway 90A in a southerly direction along  
6-60 the east line of Harris County Flood Control Ditch C-156 a distance  
6-61 of approximately 3,900 feet to the south right-of-way line of West  
6-62 Orem Drive;

6-63 Thence in a westerly direction along the south right-of-way  
6-64 line of West Orem Drive a distance of approximately 3,200 feet to  
6-65 the east right-of-way line of Blue Ridge Drive;

6-66 Thence in a southerly direction along the east right-of-way  
6-67 line of Blue Ridge Drive a distance of approximately 4,300 feet to  
6-68 the south right-of-way line of Sam Houston Tollway (Beltway 8);

6-69 Thence in a northwesterly direction along the south

7-1 right-of-way line of Sam Houston Tollway a distance of  
7-2 approximately 13,800 feet to the east line of Reserve D, Block 1,  
7-3 Sanders Ridge Replat;

7-4 Thence in a southwesterly direction along east line of  
7-5 Reserve D, Block 1, Sanders Ridge Replat a distance of  
7-6 approximately 1,900 feet to the north right-of-way line of Cravens  
7-7 Street;

7-8 Thence in a northwesterly direction along the north  
7-9 right-of-way line of Cravens Street a distance of approximately  
7-10 1,100 feet to the south right-of-way line of Stafford Road;

7-11 Thence in a northeasterly direction along the south  
7-12 right-of-way line of Stafford Road a distance of approximately  
7-13 1,500 feet to a point;

7-14 Thence in a westerly direction a distance of approximately  
7-15 1,000 feet to the west right-of-way line of New Stafford Road;

7-16 Thence in a northwesterly direction along the west  
7-17 right-of-way line of New Stafford Road a distance of approximately  
7-18 300 feet to the south right-of-way line of West Airport Boulevard;

7-19 Thence in a westerly direction along the south right-of-way  
7-20 line of West Airport Boulevard a distance of approximately 2,800  
7-21 feet to the east line of Harris County Flood Control Ditch D-118-05;

7-22 Thence in a northerly direction along the east line of Harris  
7-23 County Flood Control Ditch D-118-05 a distance of approximately  
7-24 2,200 feet to the south right-of-way line of Dorrance Street;

7-25 Thence in a westerly direction along the south right-of-way  
7-26 line of Dorrance Street a distance of approximately 4,500 feet to  
7-27 the south right-of-way line of Highway 59 and the Point of Beginning

7-28 SAVE AND EXCEPT all property or lots that have been plated and  
7-29 recorded for use solely for single family residential purposes, are  
7-30 designated by the Harris County Appraisal District as single-family  
7-31 residential or are otherwise determined to be single-family  
7-32 residential.

7-33 SECTION 3. The Harris County Improvement District No. 5 may  
7-34 reimburse the cost of creating the district from assessments or  
7-35 other revenues created by the district.

7-36 SECTION 4. The legislature finds that:

7-37 (1) proper and legal notice of the intention to  
7-38 introduce this Act, setting forth the general substance of this  
7-39 Act, has been published as provided by law, and the notice and a  
7-40 copy of this Act have been furnished to all persons, agencies,  
7-41 officials, or entities to which they are required to be furnished by  
7-42 the constitution and laws of this state, including the governor,  
7-43 who has submitted the notice and Act to the Texas Commission on  
7-44 Environmental Quality;

7-45 (2) the Texas Commission on Environmental Quality has  
7-46 filed its recommendations relating to this Act with the governor,  
7-47 lieutenant governor, and speaker of the house of representatives  
7-48 within the required time;

7-49 (3) the general law relating to consent by political  
7-50 subdivisions to the creation of districts with conservation,  
7-51 reclamation, and road powers and the inclusion of land in those  
7-52 districts has been complied with; and

7-53 (4) all requirements of the constitution and laws of  
7-54 this state and the rules and procedures of the legislature with  
7-55 respect to the notice, introduction, and passage of this Act have  
7-56 been fulfilled and accomplished.

7-57 SECTION 5. This Act takes effect immediately if it receives  
7-58 a vote of two-thirds of all the members elected to each house, as  
7-59 provided by Section 39, Article III, Texas Constitution. If this  
7-60 Act does not receive the vote necessary for immediate effect, this  
7-61 Act takes effect September 1, 2005.

7-62 \* \* \* \* \*